



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Ordinance No. 1719 Entitled, "An Ordinance Adopting The '2001 California Building Code,' Volumes 1, 2, And 3, Which Code Regulates The Design, Construction, Quality Of Materials, Use And Occupancy, Location, And Maintenance Of Buildings Or Structures In The City Of Lodi, Providing For The Issuance Of Permits And Collection Of Fees Therefore; Providing Penalties For The Violations Thereof; Repealing And Re-Enacting Sections 15.04.010, 15.04.020, 15.04.030, 15.04.040, 15.04.050, 15.04.055, 15.04.060, 15.04.070, 15.04.080, And 15.04.090 Inclusive Of The Code Of The City Of Lodi, And All Other Ordinances And Parts Of Ordinances In Conflict Therewith"

MEETING DATE: November 20, 2002

PREPARED BY: City Clerk

RECOMMENDED ACTION: Following reading by title, it would be appropriate for the City Council to adopt the attached Ordinance No. 1719.

BACKGROUND INFORMATION: Ordinance No. 1719 entitled, "An Ordinance Adopting The '2001 California Building Code,' Volumes 1, 2, And 3, Which Code Regulates The Design, Construction, Quality Of Materials, Use And Occupancy, Location, And Maintenance Of Buildings Or Structures In The City Of Lodi, Providing For The Issuance Of Permits And Collection Of Fees Therefore; Providing Penalties For The Violations Thereof; Repealing And Re-Enacting Sections 15.04.010, 15.04.020, 15.04.030, 15.04.040, 15.04.050, 15.04.055, 15.04.060, 15.04.070, 15.04.080, And 15.04.090 Inclusive Of The Code Of The City Of Lodi, And All Other Ordinances And Parts Of Ordinances In Conflict Therewith" was introduced at the regular City Council meeting of November 6, 2002.

Pursuant to State statute, an ordinance may be adopted five days after its introduction following reading by title.

This ordinance has been approved as to form by the City Attorney.

FUNDING: None required.

Susan J. Blackston
City Clerk

Attachment

APPROVED: _____

H. Dixon Flynn City Manager

ORDINANCE NO. 1719

AN ORDINANCE ADOPTING THE "2001 CALIFORNIA BUILDING CODE,"
VOLUMES 1, 2, AND 3, WHICH CODE REGULATES THE DESIGN,
CONSTRUCTION, QUALITY OF MATERIALS, USE AND OCCUPANCY,
LOCATION, AND MAINTENANCE OF BUILDINGS OR STRUCTURES IN THE
CITY OF LODI, PROVIDING FOR THE ISSUANCE OF PERMITS AND
COLLECTION OF FEES THEREFORE; PROVIDING PENALTIES FOR THE
VIOLATIONS THEREOF; REPEALING AND RE-ENACTING SECTIONS
15.04.010, 15.04.020, 15.04.030, 15.04.040, 15.04.050, 15.04.055, 15.04.060,
15.04.070, 15.04.080, AND 15.04.090 INCLUSIVE OF THE CODE OF THE
CITY OF LODI, AND ALL OTHER ORDINANCES AND PARTS OF
ORDINANCES IN CONFLICT THEREWITH

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WHEREAS, the City Council of the City of Lodi did on the 16th day of October, 2002, schedule a public hearing thereon for November 6, 2002, at the hour of 7:00 p.m. of said day in the Carnegie Forum, 305 West Pine Street, Lodi, California, in accordance with the provisions of section 50022.1 et seq. of the Government Code; and

WHEREAS, notice of the hearing was published twice in a newspaper of general circulation in accordance with the provisions of Section 50022.3 of the Government Code as appears by the Affidavit of Publication on file therein; and

WHEREAS, at the time set for hearing no protests were received by the City Council.

NOW THEREFORE the City Council of the City of Lodi does ordain as follows:

Section 1. Sections 15.04.010, 15.04.020, 15.04.030, 15.04.040, 15.04.050, 15.04.055, 15.04.060, 15.04.070, 15.04.080, and 15.04.090 of the Code of the City of Lodi are hereby repealed and the same are superseded and replaced by new Sections 15.04.010, 15.04.020, 15.04.030, 15.04.040, 15.04.050, and 15.04.060 to read as hereinafter set forth.

Section 2. There is hereby adopted a new Section 15.04.010 of the Code of the City of Lodi to read in full as follows:

Sec. 15.04.010 Adoption

The provisions set forth in the 2001 California Building Code, Volumes 1, 2, and 3, including Appendix Chapters 12 Div. I, 15, 18, 31 Div. II & III, 33, and 34 thereto, are hereby adopted as the Building Code of the City of Lodi. The Building Code of the City of Lodi shall apply to all matters pertaining to the erection, construction, enlargement, alteration, repair, moving removal, conversion, demolition, occupancy, equipment, use, height, area, and maintenance of buildings or structures in the City of Lodi, California; the issuance of building permits and the collection of fees therefore; and the enforcement of the rules and regulations as set forth in said "2001 California Building Code," Volumes 1, 2, and 3, and appendixes thereto.

Section 3. There is hereby adopted a new section 15.04.020 of the Code of the City of Lodi to read in full as follows:

Section 15.04.020

CBC CHAPTER 1: Sec.105.1

Change to read:

In order to determine the suitability of alternate materials and types of construction and to provide for reasonable interpretations of this code, the City Council shall sit as a board of appeals. The Building Official shall be an ex-officio member and shall act as secretary of the Board. Three members present shall constitute a quorum and no act of the board shall be valid unless a majority of the full board shall concur therein.

The board of appeals shall adopt reasonable rules and regulations for conducting a meeting and investigations and shall render a decision and findings in duplicate. A copy will go to the Building Official with the other copy to the applicant.

Section 4. There is hereby adopted a new section 15.04.030 of the Code of the City of Lodi to read as follows:

Section 15.04.030

CBC CHAPTER 1: Sec. 107. Change to read:

Section 107.1

Building Permit Fees. A fee for each building permit required by this Code shall be paid to the City of Lodi as set forth in Table No. 1-A, as modified herein. Fees shall be paid prior to permit issuance.

Section 107.2. The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official and shall be based of the latest building valuation data as printed in the Building Standards, published by the International Conference of Building Officials, 5360 South Workman Mill Road, Whittier, CA 90601. The valuation to be used in computing the permit and plan check fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent work or permanent equipment.

EXCEPTION: The Building Official shall determine the valuation when no applicable data is available in Building Standards.

TABLE NO. 1-A

TOTAL VALUATION	FEES
\$1.00 to \$500	\$20.00
\$501 to \$2,000	\$20.00 for the first \$500 plus \$2.00 each additional \$100 or fraction thereof, to and including \$2,000.
\$2,001 to \$25,000	\$50.00 for the first \$2,000 plus \$10.00 for each additional thousand or fraction thereof to and including \$25,000.
\$25,001 to \$50,000	\$280 for the first \$25,000 plus \$7.25 for each additional thousand, or fraction thereof, to and including \$50,000.
\$50,001 to \$100,000	\$461.25 for the first \$50,000 plus \$5.00 for each additional thousand, or fraction thereof, to and including \$100,000.
\$100,001 to 1,000,000	\$711.25 for the first \$100,000 plus \$3.90 for each additional thousand, or fraction thereof.
\$1,000,001 and up	\$4,221.25 for the first \$1,000,000 plus \$2.80 for each additional thousand or fraction thereof.

OTHER INSPECTION FEES AND REFUNDS:

1. Inspections outside of normal business hours
(Minimum charge – 3 hours) \$45.00 per hr.
2. Reinspection fee assessed under provision
Of Section 108.8 \$35.00 each
3. Inspection for which no fee is specifically
Indicated \$34.00 per hr.
4. Additional plan review required by changes,
Additions or revisions to approved plans.
(Minimum charge – one half hour) \$34.00 per hr.
5. Special inspections required by owners, real estate
Agencies, or loan agencies to determine compliance
to the Building Code in effect at the time of
construction:
 First hour \$80.00
 Each additional hour \$34.00
6. Refunds on all permits shall be subject to an
Administrative processing fee. \$35.00
7. Board of Appeals Fee \$250.00
8. Demolition Permit \$60.00

Section 5. There is hereby adopted a new Section 15.04.040 of the City of Lodi
To read as follows:

Sections 15.04.40

Special Inspections – Downtown business district.

- A. Notwithstanding paragraph 5 of Section 15.04.030 above, special inspection fees required to determine compliance with the building code for all buildings and structures located within the area designated by section 13.12.195(B) as the downtown business district shall be waived.
- B. The city council finds and declares that this action is taken to protect and preserve a crucial part of Lodi's economy and to preserve a portion of the city's heritage by offering incentives for businesses to locate, relocate, or expand existing commercial uses within this downtown area.

Section 6. There is hereby adopted a new Section 15.04.050 of the Code of the City of Lodi to read as follows:

Section 15.04.050

Repetitive submittals (Master Plans) shall be as follows:

Original plan: 65% of building permit fee, plus 10%

Subsequent plans: 25% of building permit fee.

Master plans expire upon tri-annual adoption of new code.

Section 7. There is hereby adopted a new Section 15.04.060 of the Code of the City of Lodi to read as follows:

Section 15.04.060 Violation – Misdemeanor

- A. It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish, equip, use, occupy, or maintain any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of the building code adopted by section 15.04.010.
- B. Any person, firm, or corporation violating any provision of this Code shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine and/or imprisonment set forth by the governing laws of jurisdiction. Each separate day or any portion of thereof, during which any violation of this Code occurs or continues, shall be deemed to constitute a separate offense.

Section 8. No Mandatory Duty of Care: This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 9. Severability: If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.


Section 10. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 11. This ordinance shall be published one time in the "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi, and shall be in force and take effect thirty days after its passage.

Approved this 20th day of November, 2002.


PHILLIP A. PENNINO
Mayor

Attest:


SUSAN J. BLACKSTON
City Clerk

State of California
County of San Joaquin, ss.

I, Susan J. Blackston, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1719 was introduced at a regular meeting of the City Council of the City of Lodi held November 6, 2002 and was thereafter passed, adopted, and ordered to print at a regular meeting of said Council held November 20, 2002 by the following vote:

AYES: COUNCIL MEMBERS – Hitchcock, Howard, Land, Nakanishi, and Mayor Pennino

NOES: COUNCIL MEMBERS – None

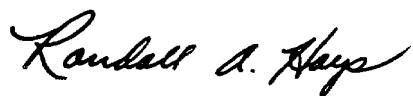
ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None

I further certify that Ordinance No. 1719 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


SUSAN J. BLACKSTON
City Clerk

Approved as to Form:


RANDALL A. HAYS
City Attorney